



MAXEY  
GROUNDS

Your Ref: TWA/17/APP/03/OBJ/34  
Our Ref: SAP/BAC/1734  
Date: 5<sup>th</sup> July 2017

Transport and Works Acts Orders Unit  
Department for Transport  
Zones 1-14 – 18  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Network Rail  
C/o. Winckworth Sherwood  
Minerva House  
5 Montague Close  
London  
SE1 9BB

For the attention of Ms. C. O'Neill

Dear Sirs,

**Network Rail Cambridgeshire Level Crossing Reduction Order**  
**C15 Brickyard Drove Level Crossing and Associated Footpath**  
**Our Clients: Messrs. J.D. Fountain and D. Fountain**

We write to submit our Statement of Case on behalf of our clients Messrs. J.D. Fountain and D. Fountain with reference to C15 - Brickyard Drove Level Crossing and associated footpath.

We contend that there is no necessity for a footpath, as proven by the survey on site as set out in our letter of 24<sup>th</sup> April 2017.

We also enclose a copy of our letter of 22<sup>nd</sup> May 2017 and the accompanying photographs to illustrate the difficulties such a footpath would create.

We must point out that despite the comment in the Network Rail Statement of Case, Page 73, that 'Network Rail will continue to engage with the relevant stakeholders to see how the issues raised may be addressed,' there has been no discussion with our clients, following the raising of these issues several months ago.

The original footpath proposal ran along the northern edge of the field our clients farmed. Upon an objection being raised, far from discussing the matter with him, the proposal was changed to a diagonal route, which leaves him feeling that he has been driven into a corner to accept the 'lesser of the two evils,' without any consultation.

*Continued .....*

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Offices in Chatteris, March and Wisbech

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Registration Number: OC367348. Registered Office: 1-3 South Brink, Wisbech, Cambridgeshire PE13 1JA. Members: Alan J. Faulkner MSc MRICS FRAV  
MCIArb MNAEA MARLA, John R. Maxey MA (Cantab) FRICS FRAV, Shirley A. Pollard BA MRICS FRAV.



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Please accept this correspondence as our clients' Statement of Case.

Yours faithfully,

Shirley Pollard

SHIRLEY A. POLLARD, BA, MRICS, FAAV.  
for and on behalf of Maxey Grounds & Co. LLP. SE1 9BB

Encs.



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Your Ref:  
Our Ref: SAP/BAC/1734  
Date: 24<sup>th</sup> April 2017



The Secretary of State for Transport,  
C/o. Transport and Works Act Orders Unit,  
General Counsel's Office,  
Department for Transport,  
Zone 1/18,  
Great Minster House,  
33 Horseferry Road,  
London,  
SW1P 4DR.

Dear Sir,

**Network Rail Cambridgeshire Level Crossing Reduction Order**

We act on behalf of Mr. J.D. Fountain and Mr. D. Fountain of Delavals Farm, 352 Benwick Road, Whittlesey, Peterborough, PE7 2HT, who farm the land at Lattersey Field Farm, which would be affected by the proposed footpath, shown on the enclosed plan as length No. 08. Our Clients are extremely concerned about the proposed footpath, so much so, that they have gone to the trouble and expense to appoint us as their Agent to write to you with regard to their objection to the proposal.

**Background**

The land belongs to the Trustees of The Whittlesey Charity, a long established and well respected Charity in the area. We believe you will have also received an objection from the Clerk to the Charity.

**Location**

- The proposed footpath is to the south of the railway line and a survey carried out by Network Rail demonstrated that the local community would not make use of such a footpath, indeed the uptake was so small (one person in a three day period), that this project would not appear to be necessary, nor indeed feasible from a financial point of view.
- Siting the path diagonally across the field would cause maximum disruption to our Clients and create significant problems for farming the remainder of the land. Splitting the land into two sections would make cultivations, spraying and cropping cumbersome, time consuming and costly, for an industry where margins are already tight.

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- The original proposal, for a field edge footpath, would in itself have been disruptive, but the new proposal would appear to show a lack of understanding of how land is farmed. The use of large machinery is required to give maximum efficiency and this would be made much more difficult by the proposal.
- The revised proposal, to go diagonally across the land, was not part of the initial consultation and was at no point discussed with our Clients and we do, therefore, wonder if due process was followed?
- The proposed path does not lead to another footpath or walkway and would bring any potential users out onto a busy main road, where there is no footpath to continue their journey. Our Clients do, therefore, have significant concerns for pedestrians from a safety point of view (see also comments below under Health and Safety).

## **Health and Safety and Environmental Issues**

- The proposed footpath would require pedestrians to walk across agricultural land which is being actively farmed.
- There would be a greater possibility of damage and contamination of crops.
- The footpath would give pedestrians direct access to the land and trespass onto the field could not be prevented. This could potentially lead to significant Health and Safety issues with regard to people coming into contact with heavy machinery and chemical sprays and it is difficult to understand how these risks could be minimised with an open pathway, whether the pathway is sited across the land, or along the edge of the field, as per the original proposal.
- The proposed pathway leads directly onto the main road and there is significant risk of pedestrians coming into contact with oncoming vehicles at that point, as there is no footpath alongside the main road.

## **Costs**

- At the time of such financial constraint and where use of public money is quite rightly under constant scrutiny, it is difficult to understand how the cost of construction and subsequent maintenance of the footbridge (shown as 9,10,11,12,13 & 14) can be warranted. The cost of the proposed project would appear to be considerable and vastly out of proportion, when evidence has shown it would hardly be used.



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**Summary**

It is difficult for our Clients to understand the benefits of this project and they object to the creation of any new footpath, believing that it is not necessary and would not be used to any great extent.

The proposal of the diagonal route is totally beyond their comprehension in an agricultural area, where surely efficient food production must take precedence.

We shall be grateful if you will note their objection and consider the points raised.

Yours faithfully,

SHIRLEY A. POLLARD, BA, MRICS, FAAV.  
for and on behalf of Maxey Grounds & Co. LLP.



MAXEY  
GROUNDS

Your Ref: TWA/17/APP/03/OBJ/34  
Our Ref: SAP/BAC/1734  
Date: 22<sup>nd</sup> May 2017

Ms. C. O'Neill  
Transport and Works Acts Orders Unit  
Department for Transport  
Zones 1-14 – 18  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Dear Ms. O'Neill,

**Network Rail Cambridgeshire Level Crossing Reduction Order**  
**Our Clients: Messrs. J.D. Fountain and D. Fountain**

Thank you for your letter of 18<sup>th</sup> May 2017.

We confirm that our clients are very pleased that there will be a public local inquiry into this matter and either we, or they, would like to give oral evidence at the inquiry, particularly concerning the proposed footpath across their land.

In accordance with item 4 of your letter, we now submit 3 photographs showing the emerging crop of sugar beet on our clients' field. The photographs are taken from the public road, looking towards the railway line. The proposed footpath would run diagonally across the field, severing the rows, which we believe illustrates the point that this proposal would make efficient farming very difficult.

Would you please keep us informed as to the date, time and place of the inquiry.

Yours sincerely,

SHIRLEY A. POLLARD, BA, MRICS, FAAV.  
for and on behalf of Maxey Grounds & Co. LLP.

Encs.

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16.05.2017





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